

1 PHILLIP A. SILVESTRI
Nevada Bar No. 11276
2 GREENSPOON MARDER LLP
3993 Howard Hughes Pkwy., Ste. 400
3 Las Vegas, Nevada 89169
4 Tel: (702) 978-4249
Fax: (954) 333-4256
5 Phillip.Silvestri@gmlaw.com
Attorneys for Defendant

6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9
10 KEN KACHUR,

11 Plaintiff,

12 vs.

13 NAV-LVH, LLC dba WESTGATE LAS
14 VEGAS RESORT & CASINO, a Nevada,
Limited Liability Company,

15 Defendant.
16

Case No.: 2:16-cv-02899-JAD-CWH

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
RENEWED MOTION FOR SUMMARY
JUDGMENT**

(LR IA 6-1; 7-1)

(FIRST REQUEST)

17 COME NOW, Defendant, named above, by and through its counsel of record, PHILLIP
18 A. SILVESTRI, ESQ., and Plaintiff, by and through his counsel of record, MICHAEL P.
19 BALABAN, ESQ., pursuant to Local Rules IA 6-1 and 7-1, and herein stipulate, agree and make
20 joint application to extend Defendant's deadline to file a Renewed Motion for Summary
21 Judgment for a period of two weeks, up to and including July 24, 2020. The present deadline is
22 July 10, 2020.

23 This is the first stipulation for an extension of this deadline. This stipulation is made and
24 based upon the following factors:

25 Based on the Ninth Circuit's determination in this case, the Court set a deadline for
26 Defendant to file a new Motion for Summary Judgment (MSJ) on the now revived claim for
27 violation of the Americans with Disabilities Act. ECF#58. The Court set the deadline for July
28 10, 2020. *Id.* After filing, Plaintiff filed a Motion for Clarification in the Ninth Circuit requesting

1 confirmation of whether the Ninth Circuit remanded the case for further motion practice, or
2 simply a trial. The Ninth Circuit confirmed that this Court was permitted to consider a renewed
3 MSJ. Defendant has been diligently working to draft a renewed MSJ, but has encountered
4 unexpected absences and reduced staffing due to the coronavirus pandemic, making filing by the
5 current deadline impracticable.

6 Based on the foregoing, the parties request that this Court order that the deadline for
7 Defendant to file a renewed MSJ Reply in Support of its Motion for Summary Judgment for a
8 period of two (2) weeks, up to and including, July 24, 2020.

9 Dated: July 1, 2020

Dated: July 1, 2020

10 LAW OFFICES OF MICHAEL P. BALABAN

GREENSPOON MARDER LLP

11 /s/Michael P. Balaban

/s/Phillip A. Silvestri

12 Michael P. Balaban, Esq.

Phillip A. Silvestri, Esq.

13 10726 Del Rudini St.

3993 Howard Hughes Parkway,

14 Las Vegas, NV 89141

Suite 400

15 Tel: (702)586-2964

Las Vegas, NV 89169

16 Fax: (702)586-3023

Tel: (702) 978-4249

17 Attorney for Plaintiff

Fax: (954) 333-4256

phillip.silvestri@gmlaw.com

Attorneys for Defendant

18 IT IS SO ORDERED

19 
20 UNITED STATES DISTRICT JUDGE

21 DATED: 7/1/2020

GREENSPOON MARDER LLP
3993 Howard Hughes Parkway, Suite 400
Las Vegas, Nevada 89169
Tel: (702) 978-4255 / Fax: (954) 771-9264